

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Focke, et al.

Appl. No.: 10/026,911

Filed: December 27, 2001

For: Allergy Vaccines and Their Preparation

Art Unit: 1614

Examiner: To Be Assigned

Atty. Docket: 0273-0005

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- ☐ 2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our check no. _____ in the amount of _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(i)(1).
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).


- ☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. **50-0622**

Respectfully submitted,

SHANKS & HERBERT

By: 
Toni-Junell Herbert
Reg. No. 34,348

Date: 6/20/02

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June 20, 2002

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Re: U.S. Patent Application
Serial No.: 10/026,911
Filed: December 27, 2001
For: Allergy Vaccines and Their Preparation
Inventors: Focke, et al.
Atty Docket No.: 0273-0005

Sir:

The following documents are forwarded herewith for appropriate action by the
U.S. Patent and Trademark Office:

1. Information Disclosure Statement
2. PTO Form 1449
3. Copies of (6) References (AC₁ - AH₁)
4. One (1) return postcard

It is respectfully requested that the attached postcard be stamped with the date of
filing of these documents, and that it be returned to our courier.

Respectfully submitted,

SHANKS & HERBERT

Toni-Junell Herbert

Reg. No. 34,348

TJH:cz:sc

Enclosures

West Coast Office

4350 La Jolla Village Drive, Suite 330, San Diego, Ca 92122

Telephone: (858) 597-6688

Facsimile: (858) 597-6682

FORM PTO 1449		ATTY. DOCKET NO. 0273-0005	APPLICATION NO. 10/026,911
INFORMATION DISCLOSURE STATEMENT		APPLICANT(S) Focke, et al.	
		FILING DATE December 27, 2001	GROUP 1614

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1					

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AB1					<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AC	<u>1</u>	Denépoux, S. et al., "Molecular characterization of human IgG monoclonal antibodies specific for the major birch pollen allergen Bet v 1. Anti-allergen IgG can enhance the anaphylactic reaction," <i>FEBS Letters</i> , 465: 39-46 (2000).
AD	<u>1</u>	Gajhede, M. et al., "X-ray and NMR structure of Betv1, the origin of birch pollen allergy," <i>Nature Structural Biology</i> , 3(12): 1040-45 (December 1996).
AE	<u>1</u>	Niederberger, V. et al., "IgE antibodies to recombinant pollen allergens (Phl p 1, Phl p 2, Phl p 5, and Bet v 2) account for a high percentage of grass pollen-specific IgE," <i>J Allergy Clin. Immunol.</i> , 101: 258-264 (February 1998).
AF	<u>1</u>	Valent, P. et al., "Interleukin 3 activates human blood basophils via high-affinity binding sites," <i>Proc. Natl. Acad. Sci. USA</i> , 86: 5542-46 (July 1989).
AG	<u>1</u>	Vrtala, S. et al., "Conversion of the Major Birch Pollen Allergen, Bet v 1, into Two Nonanaphylactic T Cell Epitope-containing Fragments," <i>J. Clin. Invest.</i> , 99(7): 1673-81 (April 1997).
AH	<u>1</u>	Vrtala, S. et al., "Properties of Tree and Grass Pollen Allergens: Reinvestigation of the Linkage between Solubility and Allergenicity," <i>Int. Arch. Allergy Immunol.</i> 102; 160-69 (1993).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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